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Docket No.: M4065.0933/P933
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chandra Mouli

Application No.: 10/612,194

Confirmation No.: 4126

Filed: July 3, 2003

Art Unit: 2826

For: IMAGE SENSOR WITH IMPROVED
DYNAMIC RANGE AND METHOD OF
FORMATION

Examiner: T. N. Tran

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed August 9, 2004 (Paper No. Mail Date 20040801), Applicant hereby provisionally elects Group I, Species A for continued examination with traverse. At least claims 1-14 and 20-39 read on Species A.

The Examiner has required restriction between the following: Group I, claims 1-39, drawn to a semiconductor device; and Group II, claims 40-59, drawn to a method of manufacturing a semiconductor device. Further, since Applicant has elected Group I, the Examiner has required election of the following:

Species A, Figs. 3,4;

Species D, Fig. 7;

Species B, Figs. 5A-5C;

Species E, Fig. 8; and

Species C, Figs. 6A, 6B;

Species F, Fig. 9;

Contrary to the Examiner's assertion, Applicant respectfully submits that claim 1 is generic to the claims of Group I. Generic claim 1 does not include limitations that are absent in each of independent claims 15, 20, 25, and 39. Further, each of the independent claims 15, 20, 25, and 39 contain all the limitations of generic claim 1.

As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

Further, given the circumstances of this case, where there is a generic claim and a reasonable number of total claims within the elected Group I, it would not be a serious burden to examine all of the claims pending at this time. M.P.E.P. § 803 directs as follows: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits." This directive should be followed in this case.

Dated: August 13, 2004

Respectfully submitted,

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